

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

:

v.

:

COREY NATHANIEL HUSBANDS

:

CR. NO. 07-38-07

RONNELLE MCMILLIAN

:

CR. NO. 07-38-08

JAVILLE LAMONT GORDON

:

CR. NO. 07-38-12

CLYDE THOMAS HULL

:

CR. NO. 07-38-16

KAREEM SHAHEER

:

CR. NO. 07-38-20

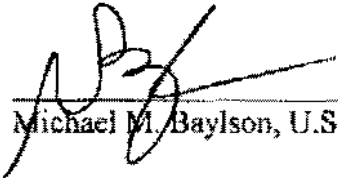
MEMORANDUM AND ORDER

In all of the above-captioned cases, the Defendants have filed a Motion for Severance, and in some cases for Misjoinder. Having reviewed these Motions, and the Government's Response, the Court is not persuaded that a severance would be appropriate, at least on the arguments made by Defendants as of this time. The law is clear in the Third Circuit that Defendants charged with a conspiracy in a single Indictment should normally be tried together. The Government Brief details these authorities and, based on this settled Third Circuit law, the Court is well within its grounds to deny a severance. Inasmuch as the trial of this case will be continued, as stated in a separate Order, this ruling is without prejudice. Pending further developments in the case, the Court will consider any specific reasons for severance which may arise between now and the date of trial. However, none of the pending motions have made sufficiently specific requests, and none of them have shown any prejudice would result from any specific Defendant being tried in a joint trial with all Defendants charged with conspiracy. At such trial, the jury will be clearly instructed that it must consider each Defendant individually and must decide whether the Government has proved each Defendant guilty beyond a reasonable doubt.

For the above reasons, it is hereby ORDERED that the Motions for Severance by the individual Defendants listed above are hereby DENIED.

BY THE COURT:

March 5, 2010
Date



Michael M. Baylson, U.S.D.J.

O:\Criminal Cases\07-38 Evans, US v\Husbands, et al order on severance - 3-5-10.wpd